IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)			
	Plaintiff,) 8:06CR416)	
	vs.)) DETENTION ORDER	
TYREE STOVALL,) }	
	Defendant.	,	
A.	A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on December 21, 2006, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	8. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
C.	C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:		
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant of ties. X Past conduct of on concealed we X The defendant hat The defendant hat X The defendant hat X The defendant hat X The defendant hat X The defendant hat Court proceeding	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community the defendant: the defendant absconded eapon charges in Virginia in 1996. as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record.	

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(c) Other Fa	Release pending trial, sentence, appeal or completion of sentence.
	The defendant is an illegal alien and is subject to
	deportation. The defendant is a legal alien and will be subject to
	deportation if convicted. The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal. Other:
release are as defendant's dru	nd seriousness of the danger posed by the defendant's follows: The nature of the charges in the Indictment, the ug abuse history, the defendant's prior criminal history, and of noncompliance with release conditions.
on the following which the Cour <u>X</u> (a) That no assure t of any ot	that the defendant should be detained, the Court also relied rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) It finds the defendant has not rebutted: It condition or combination of conditions will reasonably the appearance of the defendant as required and the safety ther person and the community because the Court finds that the involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one
assure to assure to a cause to	of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. o condition or combination of conditions will reasonably he appearance of the defendant as required and the safety ommunity because the Court finds that there is probable believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous

10 years or more.

weapon or device).

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 22, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge